IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tadd E. Vanyo et al.

Serial No.: 10/849,511   Examiner: K. Hoffler

Filing Date: May 19, 2004   Group Art Unit: 2165

For: STORED PROCEDURE INTERFACE

Docket No.: 33012/373/101

TRANSMITTAL SHEET

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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>
> By Carolyn I. Erickson

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By: _____
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P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
	)	
Tadd E. Vanyo et al.	)	Examiner K. Hoffler
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Serial No. 10/849,511	)	Group Art Unit 2165
	)	
Filing Date: 05/19/04	)	
	)	Docket No. 33012/373/101
	)	
For: STORED PROCEDURE	)	**APPEAL BRIEF**
INTERFACE	)	

APPELLANT'S APPEAL BRIEF
FILED UNDER 37 C.F.R. § 41.57

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE UNDER 37 C.F.R. 1.8: I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, Alexandria, VA, 22313-1450 on this _27th_ day of _September_, 20_07_.

By _____
Carolyn I. Erickson

This appeal brief is being filed in triplicate within sixty days of the Notice of Appeal filed July 1, 2007. Permission is hereby granted to charge or credit deposit account number 14-0620

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for any errors in fee calculation. Appellants request this Appeal Brief be made of record and fully considered.

REAL PARTY IN INTEREST

The Real Party in interest is:

Unisys Corporation

Township Line and Union Meeting Roads

Blue Bell, Pennsylvania 19424

being the assignee of the entire right, title, and interest by all inventors, by way of assignment documents filed at Reel 018003, frame 0001, in the United States Patent and Trademark Office.

RELATED APPEALS AND INTERFERENCES

There are no known pending Appeals and/or Interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal. Therefore, there are no decisions to be placed in the attached Related Proceedings Appendix.

TABLE OF CONTENTS

STATUS OF CLAIMS

The subject patent application was filed on May 19, 2004 containing claims 1-21. In accordance with an entered amendment filed February 9, 2007, claims 1, 7, 12, 16, and 19 have been amended. Claims 1-21, being all pending claims, stand finally rejected and are presented in the Claims Appendix, hereto attached, in the form pending as of the amendment filed February 9, 2007. No pending claim has ever been found to contain allowable subject matter.

Thus, Applicants appeal from the final rejection of claims 1-21, being all pending claims, as being anticipated by U.S. Patent No. 6,240,417, issued to Eastwick et al. (hereinafter referred to as "Eastwick"). The only other remaining issue is a provisional obviousness-type double patenting rejection, which is not yet ripe. Applicants will deal with this issue by way of terminal disclaimer or other appropriate measure whenever the matter becomes ripe.

STATUS OF THE AMENDMENTS

An amendment filed February 9, 2007 was entered as a matter of right. An amendment after final under 37 C.F.R. 1.116 was filed on

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June 29, 2007. Despite an Advisory Action mailed July 17, 2007, it is not clear whether the Amendment After Final has or has not been entered as part of the record, because the Examiner has expressly avoided indicating his position on the matter.

SUMMARY OF CLAIMED SUBJECT MATTER [1]

The present invention generally relates to data base management systems and more particularly relates to enhancements for providing access to data base management systems via Internet user terminals using stored procedures[2]. There are two basic problems with permitting Internet access to a proprietary data base. The first is a matter of security[3]. The second major problem is imposed by the Internet protocol itself. One of the characteristics of the Internet which makes it so universal is that any single transaction in HTML language combines a single transfer (or request) from a user coupled with a single response from the Internet server. In general, there is no means for linking multiple transfers (or requests) and multiple responses. In this manner, the Internet utilizes a transaction model which may be referred to as "stateless". This limitation ensures that the Internet, its users, and its servers remain sufficiently independent during operation that no one entity or group of

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entities can unduly delay or "hang-up" the communications system or any of its major components[4].

However, some of the most powerful data base management functions or services of necessity rely on coupling data from one transaction to another in dialog fashion[5]. A further feature of the "state-managed" legacy data base management systems is the opportunity to define, initialize, and execute stored procedures. These are essentially software programs scripted in the command language of the data base management system which may be defined and later initialized and executed upon a subsequent occasion. The very concept of this functionality is inconsistent with the stateless operation of the Internet[6].

The present invention overcomes the disadvantages of the prior art by providing a method of and apparatus for utilizing the power of a full featured data base management system by a user at a terminal coupled to the world wide web or Internet to develop, initialize, and execute stored procedures within a legacy environment[7]. To make access to a proprietary legacy data base by Internet users practical, a sophisticated security system is required to prevent intentional or inadvertent unauthorized access

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[4]See Specification at page 4, lines 9-17.
[5]See Specification at page 4, lines 21-22.
[6]See Specification at page 5, lines 6-10.
[7]See Specification at page 6, lines 4-7.

to the sensitive data of an organization[8]. To unleash the real power of the data base management system, the communication protocol between the data base and the user requires functional interaction between the various data transfers. The present invention adds state management to this environment[9].

In accordance with the preferred embodiment of the present invention, a new command, @SPI (stored procedure interface), is defined for the Business Information Server (BIS)(Cool ICE) system. The new command has two primary modes of operation. First, the command provides the ability to execute a specified stored procedure and return the results. This includes the handling of rowsets, input variables, output variables, and input/output variables. Secondly, the command provides a method to query and return meta-data about stored procedures in a data base catalog. The meta-data will provide the available stored procedures as well as information about the parameters for the stored procedures[10].

The present invention provides users the ability to execute a specified stored procedure as well as handle rowsets, input variables, output variables, and input/output variables without having to develop the application code themselves. Developing the code is a very cumbersome process with a lot of room for errors.

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[8]See Specification at page 6, lines 15-17.
[9] See Specification at page 7, lines 12-15.
[10]See Specification at page 8, lines 15-22.

Furthermore, the developer must be very knowledgeable concerning the API interface in order to correctly make proper calls[11].

Fig. 1 is a pictorial diagram of hardware suite 10 of the preferred embodiment of the present invention[12]. Fig. 2 is a functional diagram showing the major components of the @SPI (stored procedure interface) command process flow[13].

Claims 11-13 are the only pending claims introducing "means-plus-function" limitations. Independent claim 11 has three such limitations which are correlated to Applicants' disclosure as follows:

a) "permitting means for permitting a user to transfer a service request via a publicly accessible digital data communication network"[14];

b) "offering means responsively coupled to said permitting means via said publicly accessible digital data communication network for offering legacy data base management services involving access to at least one data base having a scripted command language stored procedure"[15]; and

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[11]See Specification at page 9, lines 18-22.
[12]See Specification at page 11, lines 9-10.
[13]See Specification at page 13, lines 2-3.
[14]See Specification at page 11, lines 10-15, and Fig. 1, element 12.
[15]See Specification at page 11, lines 16-17, and Fig.1, element 20.

c) "accessing means responsively coupled to said offering means for accessing said scripted command language stored procedure in response to said service request"[16].

Claim 12 is limited by "wherein said offering means further comprises executing means for executing said scripted command language stored procedure corresponding to said service request[17]"

Claim 13 is limited by "generating means located within said permitting means for generating a second service request [18]".

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[16]See Specification at page 13, line 2, through page 14, line 8, and Fig.2.
[17]See Specification at page 15, and Fig. 3.
[18]See Specification at page 17, lines 2-4, and Fig.5, position 212.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Are claims 1-21 unpatentable under 35 U.S.C. 102(b) as anticipated by Eastwick?

ARGUMENT

I. Claims 1-21 are not anticipated by Eastwick.

Claims 1-21 have been finally rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,240,417, issued to Eastwick et al. (hereinafter referred to as "Eastwick"). This ground of rejection should be reversed for the following reasons.

The standards for a finding of anticipation during examination are specified in MPEP 2131, which provides in part:

> TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
> EVERY ELEMENT OF THE CLAIM
> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "**The identical invention must be shown in as complete detail as is contained in the ... claim.**" *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added)

The rejection should be reversed because "the identical invention" is not shown by Eastwick "in as complete detail as is contained in the claims" as is required by MPEP 2131.

The present invention provides a technique for utilizing a user terminal coupled via a publicly accessible network (e.g., the world wide web or Internet) to a legacy data base via a legacy data base management system wherein said legacy data base contains a

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"stored procedure" and said legacy data base management system executes the "stored procedure" in response to a request by the Internet terminal. All claims are limited to the claimed "stored procedure" being **"executed by"** and/or **"stored within"** the claimed legacy data base management system.

As shown above in the Summary of the Invention, the term, "stored procedure" is clearly defined by Applicants within their specification. This definition is fully consistent with the common use within the art. The on-line dictionary, Foldoc, defines "stored procedure" as:

> A subroutine **stored in a database** and **executed by the database management system**. (emphasis added)

Foldoc continues its definition by showing some of the advantages of the claimed "stored procedure", stating:

> Typically a stored procedure encapsulates some business process. Performing this on the database server avoids the network overhead of transferring input data to the client for processing. This would be particularly significant if processing lots of data and returning a small result set like a total or maximum. Stored procedures also provide consistent implementation of the business logic to clients written in different languages and running in different environments. Some financial systems allow databases access through stored procedures alone, this restricts actions on the data to a small number of auditable queries.

Though Applicants' claims have differing limitations and scopes, each is based upon the key feature of a "stored procedure", **located in** the legacy data base and/or **executed by** the legacy data base

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management system in response to a request by the user terminal coupled via a publicly accessible network.

Eastwick, on the hand, does not have the disclosed and claimed "stored procedure". Therefore, the Examiner has attempted to read this limitation onto "database integrator" 314 disclosed by Eastwick. The "database integrator" 314 of Eastwick is readily distinguishable from Applicants' "stored procedure" in that the "database integrator" 314 is located within memory 302 of workstation 102 (see Fig. 3 and corresponding description at column 4, lines 23-29), rather than in the legacy data base. As a result, "database integrator" 314 is executed by workstation 102 rather than by a legacy data base management system. Thus, the "database integrator" 314 is not coupled to workstation 102 by a network, but is coupled through an internal memory bus.

In her apparent vigor to find Applicants' claimed invention within Eastwick, the Examiner continues to ignore the specifically claimed requirement that the claimed "stored procedure" must be located within and executed by the claimed legacy data base management system. Eastwick, on the other hand, requires the "database integrator 314" to be co-located within and executed by the workstation 102.

This disregard of Applicants' definition, the common definition within the art, and controlling law, is highlighted in the Advisory Action wherein the Examiner states:

> ....the relied upon reference of Eastwick et al does in fact teach of stored procedures taught by Applicant. Eastwick et al teaches a data integrator, which performs the tasks being executed by the Applicant's stored procedures, by converting commands received by an ODBC interface into server program specific commands to manipulate the user interface of a server program.

Applicants have previously made this argument to the Examiner. In her response thereto, the Examiner appears to agree with Applicants concerning the preferred embodiments disclosed by Eastwick. Therefore, she confusingly cites column 3, lines 52-62 of Eastwick which mentions a non-disclosed and apparently non-preferred embodiment wherein the "client program" (i.e., containing the "database integrator" 314) and legacy DBMS are co-located "on the same computer". This response is confusing, because the Examiner does not explain how the "client program" and "legacy DBMS" could possibly be coupled via the claimed publicly accessible digital data communication network, if they are co-located "on the same computer".

The differences between Eastwick and Applicants' claimed invention are readily apparent in structure and operation. These differences become even more apparent as the individual claim limitations are considered.

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IA.   Claim 1 is not anticipated by Eastwick.

Claim 1, for example, has four basic elements.   The first element is "a user terminal which generates a user request".   In making her final rejection, the Examiner cites workstation 102 of Eastwick.   Though Eastwick does not explicitly mention the claimed "user request", apparently the Examiner finds this element to be inherent.   However, in doing so, she has failed to comply with MPEP 2112.

The second claimed element is "a publicly accessible digital data communication network responsively coupled to said user terminal".   In making her rejection, the Examiner cites Eastwick as stating: "any communication connection".   Applicants do not understand the extent of this citation.   The only actual examples provided by Eastwick at column 4, lines 2-3 (i.e., "direct connection", "local area network", and "wide area network"), do not meet the limitations of Applicants' claimed invention.   As a matter of law (see MPEP 2131), to anticipated Applicants' claimed invention, the network of Eastwick **must be shown in as complete detail as is contained in the ... claim**".   Surely, the Examiner does not contend the Eastwick meets this requirement.   Therefore, it Eastwick clearly does not show the "exact invention in as

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complete detail as is contained in the claim" as specifically required by MPEP 2131.

The third claimed element is "a legacy data base management system having access to at least one data base responsively coupled to said user terminal via said publicly accessible digital data communication network". Without addressing the Examiner's findings in detail with regard to this claimed element, it is clear that Eastwick cannot meet this limitation, because it does not have the claimed "publicly accessible" coupling network.

The fourth claimed element is "a stored procedure having a sequence of command script statements responsively coupled to said legacy data base management system **which is executed by said legacy data base management system** in response to said user request". As explained above, this limitation cannot be met by "database integrator" 314 of Eastwick, as alleged by the Examiner, because it is not stored within nor executed or executable by the legacy data base management system.

Therefore, the Examiner has simply ignored this claim limitation in contravention of controlling law. As a result, the Examiner's finding with regard to this element is legally irrelevant, because it does not address Applicants' claimed invention.

As a result of Eastwick not having the four claimed elements of claim 1, the rejection of claim 1, and all claims depending therefrom, should be reversed.

IB. Claim 2 is not anticipated by Eastwick.

Claim 2 depends from claim 1 and is further limited by "wherein said user terminal generates a second user request which causes said legacy data base management system to add parameters to said stored procedure". Again, the Examiner cites operational details of workstation 102 having nothing to do with the claimed causing "said legacy data base management system to add parameters to said stored procedure". The rejection of claim 2 should be reversed for failure of Eastwick to meet the requirements of MPEP 2131 to show anticipation.

IC. Claim 3 is not anticipated by Eastwick.

Claim 3 depends from claim 2 and further limits the claimed legacy data base. As explained above, Eastwick cannot meet the limitations of claim 2 from which claim 3 depends. Therefore, Eastwick cannot have the further limitations of claim 3. The rejection of claim 3 should be reversed.

ID. Claim 4 is not anticipated by Eastwick.

Claim 4 depends from claim 3 and further limits the claimed legacy data base. As explained above, Eastwick cannot meet the limitations of claim 3 from which claim 4 depends. Therefore, Eastwick cannot have the further limitations of claim 4. The rejection of claim 4 should be reversed.

IE. Claim 5 is not anticipated by Eastwick.

Claim 5 depends from claim 4 and further limits the claimed data base management system. Because the Examiner realizes that Eastwick cannot meet this limitation, she irrelevantly states:

> ....whereas Eastwick's teachings of a software interface
> in conjunction with legacy data in a database reads on
> Applicant's claim language involving a BIS.

This finding is legally irrelevant, because it does not address Applicants' claimed invention. Furthermore, even if relevant, it is inadequate as a matter of law, because it does not show the "identical invention in as complete detail as is contained in the claim" as is explicitly required by MPEP 2131. The rejection of claim 5 should be reversed.

IF. Claim 6 is not anticipated by Eastwick.

Claim 6 is an independent method claim having four key steps. Claim 6 is "method of utilizing a user terminal to access a command language scripted **stored procedure within a legacy data base**

management system having at least one data base". The claim requires that the claimed "stored procedure" be located "with a legacy data base management system". Ignoring Applicants' claimed invention, the Examiner clearly erroneously finds:

> Eastwick et al. teaches a. transmitting a service request requesting access to said command language scripted stored procedure....

The request (if any) is not "transmitted" as found by the Examiner, because the "stored procedure" alleged by the Examiner is located within workstation 102, as explained above.

The second claimed step requires "receiving said service request by said legacy data base management system". This step is not found in Eastwick, because the request (if any) must be modified by "database integrator" 314 before transfer from workstation 102. As a result, the claimed "request" is neither "transmitted" (i.e., step a) nor "received" (i.e., step b) as claimed, but is simply converted by "database integrator" 314 within workstation 102.

Because Eastwick does not meet all of the limitations of claim 6, the rejection of claim 6, and all claims depending therefrom, should be reversed.

IG. Claim 7 is not anticipated by Eastwick.

Claim 7 depends from claim 6 and requires **execution** of the claimed "stored procedure" **by the claimed legacy data base management system**. Eastwick cannot meet this limitation, because "database integrator" 314 is located within and executed by workstation 102. Therefore, the Examiner paraphrases Applicants' claim, purposely omitting those limitations clearly not found in Eastwick. Therefore, her findings are legally irrelevant, because they do not address Applicants' claimed invention. The rejection of claim 7 should be reversed.

IH. Claim 8 is not anticipated by Eastwick.

Claim 8 depends from claim 7 and further limits the claimed coupling network to the "Internet". In making her rejection, the Examiner clearly erroneously states:

> As for Claim 8, Eastwick et al teaches a publicly accessible digital data communication network further comprises the Internet (col. 3, lines 65-67 – col. 4, lines 1-3).

This statement is clearly erroneous, because Eastwick makes no mention of a "publicly accessible" network as claimed and certainly says nothing of the Internet. The rejection of claim 8 should be reversed as based upon clearly erroneous findings of fact.

II. Claim 9 is not anticipated by Eastwick.

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Claim 9 depends from claim 8 and is further limited by "further comprising transferring a second service request from said user terminal to said legacy data base management system which causes said accessing step to enter parameters into said command language scripted stored procedure". Again, the Examiner cites operational details of workstation 102 having nothing to do with the claimed causing "said accessing step to add parameters to said stored procedure". The rejection of claim 9 should be reversed for failure of Eastwick to meet the requirements of MPEP 2131 to show anticipation.

IJ. Claim 10 is not anticipated by Eastwick.

Claim 10 depends from claim 9 and further limits the claimed data base management system. Because the Examiner realizes that Eastwick cannot meet this limitation, she refers to her rejection of claim 5 which irrelevantly states:

> ....whereas Eastwick's teachings of a software interface
> in conjunction with legacy data in a database reads on
> Applicant's claim language involving a BIS.

This finding is legally irrelevant, because it does not address Applicants' claimed invention. Furthermore, even if relevant, it is inadequate as a matter of law, because it does not show the "identical invention in as complete detail as is contained in the

claim" as is explicitly required by MPEP 2131. The rejection of claim 10 should be reversed.

IK. Claim 11 is not anticipated by Eastwick.

Claim 11 is an independent apparatus claim having three "means-plus-function" limitations. The second element is "offering means responsively coupled to said permitting means via said publicly accessible digital data communication network for offering legacy data base management services involving access to at least **one data base having a scripted command language stored procedure**". It specifically requires that the claimed "stored procedure" be located within the claimed "data base" of the claimed "offering means". Therefore, the Examiner cites material (e.g., column 1, lines 56-59) supporting Applicants' position that Eastwick cannot meet this limitation stating in part:

> The application program ("client program") is located on
> a workstation....

Thus, DB Integrator 314 is located within workstation 102 (see Fig. 3).

Nevertheless, in finding the third claimed element, the Examiner completely ignores claim element b and again relies upon functions performed within workstation 102. As explained above, the claimed "stored procedure" must be executed by the claimed

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"offering means".   The rejection of claim 11, and all claims depending therefrom, should be reversed.

IL.   Claim 12 is not anticipated by Eastwick.

Claim 12 depends from claim 11 and further limits the claimed "offering means".   Eastwick cannot meet this limitation, because "database integrator" 314 is located within and executed by workstation 102.   The rejection of claim 12 should be reversed.

IM.   Claim 13 is not anticipated by Eastwick.

Claim 13 depends from claim 12 and further limits the claimed "generating means".   As explained above, Eastwick cannot meet the limitations of claim 12 from which claim 13 depends.   Therefore, Eastwick cannot have the further limitations of claim 13.   The rejection of claim 13 should be reversed.

IN.   Claim 14 is not anticipated by Eastwick.

Claim 14 depends from claim 13 and further limits the claimed "offering means".   Because the Examiner realizes that Eastwick cannot meet this limitation, she refers to the rejection of claim 5 irrelevantly stating:

> ....whereas Eastwick's teachings of a software interface in conjunction with legacy data in a database reads on Applicant's claim language involving a BIS.

This finding is legally irrelevant, because it does not address Applicants' claimed invention. Furthermore, even if relevant, it is inadequate as a matter of law, because it does not show the "identical invention in as complete detail as is contained in the claim" as is explicitly required by MPEP 2131. The rejection of claim 14 should be reversed.

IO.   Claim 15 is not anticipated by Eastwick.

Claim 15 depends from claim 14 and further limits the claimed "generating means". As explained above, Eastwick cannot meet the limitations of claim 14 from which claim 15 depends. Therefore, Eastwick cannot have the further limitations of claim 15. The rejection of claim 15 should be reversed.

IP.   Claim 16 is not anticipated by Eastwick.

Claim 16 is an independent apparatus claim having a different statutory, judicial, and administrative standard of patentability from claim 11. Furthermore, claim 16 explicitly requires the claimed "stored procedure" to be located within the claimed legacy data base. Nevertheless, the Examiner states:

> Thus, claim 16 is analyzed as previously discussed with respect to claim 11 above.

Therefore, claim 16 has been inadequately examined, both as a matter of fact (i.e., unique limitations) and as a matter of law

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(i.e., different basis for patentability). The rejection of claim 16, and all claims depending therefrom, should be reversed for failure of the Examiner to examine the claim as required by controlling law.

IQ. Claim 17 is not anticipated by Eastwick.

Claim 17 depends from claim 16 and is further limited by "a plurality of variables loaded into said scripted command language stored procedure in response to said service request". Again, the Examiner cites operational details of workstation 102 having nothing to do with the claimed causing "said accessing step to add parameters to said stored procedure". The rejection of claim 17 should be reversed for failure of Eastwick to meet the requirements of MPEP 2131 to show anticipation.

IR. Claim 18 is not anticipated Eastwick.

Claim 18 depends from claim 17 and is further limited by "a second service request generated by said user terminal causes said legacy data base management system to execute said scripted command language stored procedure". Again, the Examiner cites operational details of workstation 102 having nothing to do with the claimed causing "said legacy data base management system to add parameters to said stored procedure". The rejection of claim 18 should be

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reversed for failure of Eastwick to meet the requirements of MPEP 2131 to show anticipation.

IS. Claim 19 is not anticipated by Eastwick.

Claim 19 depends from claim 18 and further limits the claimed coupling network to the "Internet". In making her rejection, the Examiner clearly erroneously states:

> As for Claim 8, Eastwick et al teaches a publicly accessible digital data communication network further comprises the Internet (col. 3, lines 65-67 – col. 4, lines 1-3).

This statement is clearly erroneous, because Eastwick makes no mention of a "publicly accessible" network as claimed and certainly says nothing of the Internet. The rejection of claim 19 should be reversed as based upon clearly erroneous findings of fact.

IT. Claim 20 is not anticipated by Eastwick.

Claim 20 depends from claim 19 and further limits the claimed "data base management system". Because the Examiner realizes that Eastwick cannot meet this limitation, she irrelevantly states:

> ....whereas Eastwick's teachings of a software interface in conjunction with legacy data in a database reads on Applicant's claim language involving a BIS.

This finding is legally irrelevant, because it does not address Applicants' claimed invention. Furthermore, even if relevant, it is inadequate as a matter of law, because it does not show the

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"identical invention in as complete detail as is contained in the claim" as is explicitly required by MPEP 2131. The rejection of claim 20 should be reversed.

IU.   Claim 21 is not anticipated by Eastwick.

Claim 21 is an independent apparatus claim having four unique claimed elements. These limitations are not found in claim 1. Nevertheless, the Examiner does not apply Eastwick to these limitations, because she could not. Therefore, the rejection of claim 21 should be reversed for failure to be examined in addition to the failure of Eastwick to show anticipation as specified by MPEP 2131.
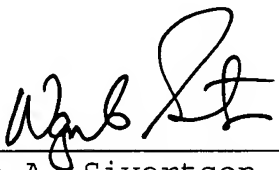
CONCLUSION

Having thus reviewed the final rejections of claims 1-21, being all pending claims, it seems abundantly clear that the limitations of these claims are not unpatentable in view of the prior art of record. Thus, the rejection of these claims should be reversed as being based upon clearly erroneous fact findings and errors of law.

Respectfully submitted

Tadd E. Vanyo et al.

By their attorney,

Date Sept 27, 2007

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5   1.   An apparatus comprising:

a.   a user terminal which generates a user request;

b. a publicly accessible digital data communication network responsively coupled to said user terminal;

c.   a legacy data base management system having access to at

10   least one data base responsively coupled to said user terminal via said publicly accessible digital data communication network; and

d.   a stored procedure having a sequence of command script statements responsively coupled to said legacy data base

15   management system which is executed by said legacy data base management system in response to said user request.

2.   The apparatus of claim 1 wherein said user terminal generates a second user request which causes said legacy data base management system to add parameters to said stored procedure.

20   3.   The apparatus of claim 2 wherein said at least one data base further comprises an ODBC data base.

4. The apparatus of claim 3 wherein said at least one data base further comprises an OLEDB data base.

5. The apparatus of claim 4 wherein said legacy data base management system further comprises BIS.

6. A method of utilizing a user terminal to access a command language scripted stored procedure within a legacy data base management system having at least one data base comprising:

    a. transmitting a service request requesting access to said command language scripted stored procedure from said user terminal to said legacy data base management system via a publicly accessible digital data communication network;

    b. receiving said service request by said legacy data base management system;

    c. accessing said command language scripted stored procedure in accordance with said service request; and

    d. transferring an appropriate response from said legacy data base management system to said user terminal via said publicly accessible digital data base management system.

7. A method according to claim 6 wherein said accessing step further comprises executing said command language script

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corresponding to said service request by said legacy data base management system.

8. A method according to claim 7 wherein said publicly accessible digital data communication network further comprises the Internet.

9. A method according to claim 8 further comprising transferring a second service request from said user terminal to said legacy data base management system which causes said accessing step to enter parameters into said command language scripted stored procedure.

10. A method according to claim 9 wherein said legacy data base management system further comprises BIS data base management system.

11. An apparatus comprising:

a. permitting means for permitting a user to transfer a service request via a publicly accessible digital data communication network;

b. offering means responsively coupled to said permitting means via said publicly accessible digital data communication network for offering legacy data base management services involving

access to at least one data base having a scripted command language stored procedure; and

c. accessing means responsively coupled to said offering means for accessing said scripted command language stored procedure in response to said service request.

12. An apparatus according to claim 11 wherein said offering means further comprises executing means for executing said scripted command language stored procedure corresponding to said service request.

13. An apparatus according to claim 12 further comprising generating means located within said permitting means for generating a second service request.

14. An apparatus according to claim 13 wherein said offering means further comprises BIS data base management system.

15. An apparatus according to claim 14 wherein said permitting means further comprises an industry standard personal computer.

16. In a data processing system having a user terminal which generates a service request responsively coupled via a publicly accessible digital data communication network to a legacy data base

management system having at least one data base, the improvement comprising:

a scripted command language stored procedure within said at least one data base which is accessed in response to said service request.

17. The improvement according to claim 16 further comprising a plurality of variables loaded into said scripted command language stored procedure in response to said service request.

18. The improvement according to claim 17 further comprising a second service request generated by said user terminal causes said legacy data base management system to execute said scripted command language stored procedure.

19. The improvement according to claim 18 wherein said publicly accessible digital data communication network further comprises the Internet.

20. The improvement according to claim 19 wherein said legacy data base management system further comprises BIS.

21. An apparatus for permitting a user to access a stored procedure comprising:

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a. a user terminal which generates a first user request containing a parameter and a second user request;

b. a publicly accessible digital data communication network responsively coupled to said user terminal which transfers said first user request and said second user request;

c. a legacy data base management system having access to at least one OLEDB data base responsively coupled to said user terminal via said publicly accessible digital data communication network which receives said first user request and said second user request; and

c. a stored procedure having a sequence of command script statements responsively coupled to said legacy data base management system which is modified in accordance with said parameter of said first user request and which is executed in response to said second user request.

EVIDENCE APPENDIX

There is no evidence or documents deemed appropriate to be included within this Appendix.

RELATED PROCEEDINGS APPENDIX

There are no decisions or other papers deemed appropriate to be included in this Appendix.